

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELROY W. BROWNING,

1:05-cv-0342-AWI-GSA-(PC)

Plaintiff,

ORDER DIRECTING SERVICE OF
SUBPOENA(S) BY THE UNITED STATES
MARSHAL WITHOUT PREPAYMENT OF
COSTS

vs.

JEANNE WOODFORD, et al.,

Defendants.

_____ /

Plaintiff is proceeding in forma pauperis pursuant to 28 U.S.C. § 1915. The court previously ordered plaintiff to provide information for service of process on form USM-285, a completed subpoena for each witness being commanded to appear, and a money order made payable to each witness as required for payment of witness fees and mileage. Plaintiff has submitted the required papers. Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to forward the following documents to the United States Marshal:

(1) Two completed and issued subpoena to be served on:

LIEUTENANT L. L. WOOD;

DR. ENENMOH;

(2) Two completed USM-285 form;

(3) One money order # 11245824821 in the amount of \$75.00, made

1 payable to unincarcerated witness, L. L. Wood;

2 (4) One copy of money order # 11245824832 in the amount of \$75.00
3 previously paid to unincarcerated witness, Dr. Enenmoh; and

4 (5) One copy of this order for each witness, plus an extra copy for the
5 Marshal.

6 2. Within **twenty (20) days** from the date of this order, the United States
7 Marshal is directed to serve the subpoena and money order on witnesses, Lieutenant L. L. Wood
8 and Dr. Enenmoh, in accordance with the provisions of Rule 45 of the Federal Rules of Civil
9 Procedure.

10 3. The U.S. Marshal is directed to retain the subpoena in their file for future use.

11 4. The United States Marshal shall personally serve process and a copy of this
12 order upon witnesses, Lieutenant L. L. Wood and Dr. Enenmoh pursuant to Rule 45 of the
13 Federal Rules of Civil Procedure and 28 U.S.C. § 566(c) and shall command all necessary
14 assistance from the California Department of Corrections (CDC) to execute this order. The
15 United States Marshal shall maintain the confidentiality of all information provided by the CDC
16 pursuant to this order.

17 5. Within ten days after personal service is effected, the United States Marshal
18 shall file the return of service, along with the costs subsequently incurred in effecting service.
19 Said costs shall be enumerated on the USM-285 form and shall include the costs incurred by the
20 Marshal's office for photocopying additional copies of the subpoena and for preparing new USM-
21 285 forms, if required.

22
23 IT IS SO ORDERED.

24 **Dated: February 27, 2008**

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE